

PROCEEDINGS OF CITY COUNCIL

MILES CITY, MONTANA

REGULAR COUNCIL MEETING

April 23, 2013
7:00 p.m.

CALL TO ORDER

The Regular Council meeting was held Tuesday, April 23, 2013, in the Conference Room at City Hall, 17 S. 8th Street, Miles City, Montana. Mayor C. A. Grenz called the meeting to order. Council Members present were Dwayne Andrews, Roxanna Brush, Mark Ahner, Jerry Partridge, John Uden, John Hollowell and Sue Galbraith. Councilperson Bill Melnik was excused.

Also present were City Attorney Dan Rice, Public Utilities Director Al Kelm, Fire Chief Dale Berg, City Planner Dianna Broadie, Historic Preservation Officer Connie Muggli, and Council Recorder/Deputy City Clerk Connie Watts.

PLEDGE OF ALLEGIANCE

Mayor Grenz led the Council in the Pledge of Allegiance.

APPROVAL OF COUNCIL & COMMITTEE MINUTES

Regular Council Minutes – 4/09/2013

****** *Councilperson Brush moved to approve the minutes of the Regular Council Meeting of April 9, 2013, seconded by Councilperson Galbraith. The motion passed unanimously, 7-0.*

Human Resources Committee – 4/04/2013

****** *Councilperson Uden moved to approve the minutes of the Human Resources Committee Meeting of April 4, 2013, seconded by Councilperson Ahner and passed unanimously, 7-0.*

Human Resources Committee April 4, 2013

The Human Resources Committee met Thursday, April 4, 2013, at 6:00 p.m. in the Conference Room at City Hall. Present were Committee Chairperson John Uden, Committee Members Bill Melnik, Mark Ahner and Roxanna Brush. Also present were Mayor C.A. Grenz, Community Service Planner Dianna Broadie, Historic Preservation Officer Connie Muggli and Committee Recorder HR/Payroll Officer Billie Burkhalter.

1. **Roll Call**
- Noted above
2. **Consider creating a new Department for Historic Preservation Office**

Chairperson Uden referenced City Attorney Dan Rice's letter, in which the Attorney has drafted an Ordinance that would revise a portion of Section 2-351. That Ordinance would change the Historic Preservation Officer from "a volunteer or employed by an appropriate City department" to the following: "a volunteer or employed by the City, and shall be under the supervision of the Mayor".

Chairperson Uden stated that apparently one of the issues is that the Historic Preservation Officer answers to three different supervisors; the Mayor, Community Service Planner and the Historic Preservation Commission. Preservation Officer Muggli explained she actually has to answer to an additional person, who is the State Preservation Officer, who can delegate additional activities to her. Preservation Officer Muggli stated she has a scope of work that the Commission designs as per the grant agreement, and she has a scope of duties with a pretty clear outline of what she is supposed to be doing. The Commission meets once a month, and decides if this will be completed or not. She also pointed out that her position description

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states she is accountable to the Commission. Preservation Officer Muggli questioned that since she does answer to a lot of people, she doesn't know where it all fits together, and would like some criteria about that.

Committee Member Brush stated she doesn't know where it all fits together either, as the Commission drafted the Historic Preservation Officer's job description, and she questions whether that position would even qualify as a "department" of the City. Preservation Officer Muggli explained that either the agreement or Ordinance states that her position will be attached to the City.

Chairperson Uden stated one of the purposes of this Committee is to address problems in a way that allows people to continue with their jobs. Based on information, it appears there are problems and questioned if Planner Broadie was having problems with the Historic Preservation office. Planner Broadie explained that this was not an appropriate place to discuss the issues between the two offices, but would state that supervision was an issue. Preservation Officer Muggli stated she believes the problem arose due to her not being aware that she needed to seek approval from the Planning Officer for the process of applying for grants. She explained she just follows the scope of work and is confused on who she answers to and would like it resolved.

Committee Member Brush stated that due to this issue, there has been conflict in the Planning Board meetings and questioned whether what is being proposed would even solve the issues. She further explained that regardless of supervision, they work together, whether that is Zoning or Planning. Preservation Officer Muggli stated that is a good point, she needs to work with all the City departments on an equal basis and should not be under the influence of any departments that she works with.

Planner Broadie explained the Ordinance states the Historic Preservation Officer is under a department within the City, but the job description has the position accountable to the Commission. She had reworked the job description for clarity and sent it to the City Attorney to coincide with the Ordinance before this issue was placed on the agenda. Planner Broadie explained that either the job description needed to be changed or the Ordinance needed to be changed.

Committee Member Ahner questioned how the Historic Preservation Commission would feel if the position description was changed to state "supervision received directly from the Mayor, with consultation from the Commission". Preservation Officer Muggli stated it would be up to the City on how her position would be set up and it would not matter one way or the other to the Commission. What does matter is that the Commission will have the ability to do what it states in the CLG Agreement, in State and Federal law and in the Ordinance.

Preservation Officer Muggli explained that another thing she feels is an issue is that she does not understand Planner Broadie's role in the budget. The Historic Preservation budget is a special revenue fund and that budget is not under the Planning department at all. So she doesn't understand how Planner Broadie can direct her hours, activities and her budget.

Committee Member Ahner stated, after reading through Ordinance #1109, it doesn't state anywhere that the Commission will supervise the Historic Preservation Officer. Preservation Officer Muggli stated that it was in the CLG Agreement.

Committee Member Ahner asked both Planner Broadie and Preservation Officer Muggli if they were for or against moving supervision of this position to Mayor Grenz. Planner Broadie stated she was neutral on this decision. Preservation Officer Muggli responded that her position would be more effective under the supervision of the Mayor. Mayor Grenz stated he doesn't want to fix the blame just the problem and any hostilities are counterproductive; if this would help resolve the problem, then he is for it. He requested this be done on a probationary basis to make sure this works. If it does not, then they will need to look at it again. Mayor Grenz suggested adopting the revised Ordinance that was submitted by Attorney Rice, with a provision that states this would be reviewed in six months. The Committee was in agreement.

Committee Member Brush questioned what the Committee needed to do concerning the position description? Would the Historic Preservation Officer be a "City employee" and have a City job description or be under the Commission with their job description. Chairperson Uden stated that, since Federal and State money was involved, the Commission would need to come up with a position description that encompasses all that, with the addition that it is a City employee position. Planner Broadie stated the draft revisions to the position description that she had submitted to the City Attorney would still apply and clarify this.

****** *Chairperson Uden moved to recommend to Council to adopt the Ordinance revising Section 2-351 of the Code of Ordinances of the City of Miles City, so as to call for the Historic Preservation Officer to be under the supervision of the Mayor and approved on a six month probationary basis. Motion seconded by Committee Member Brush and, on roll call vote, motion passed unanimously.*

3. Request of Citizens

- None

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4. Committee Members' comments

Committee Member Brush requested that the proposed changes to the Hiring Policy be placed on the next agenda.

5. Adjournment

** *Committee Member Brush moved to adjourn the meeting. The motion was seconded by Committee Member Melnik and passed.*

The meeting was adjourned at 7:00 p.m.

Respectfully submitted,

Billie D. Burkhalter, Recorder

Chairperson John Uden

Finance Committee – 4/10/2013

** *Councilperson Brush moved to approve the minutes of the Finance Committee Meeting of April 10, 2013. The motion was seconded by Councilperson Uden and passed unanimously, 7-0.*

Finance Committee Meeting April 10, 2013

The Finance Committee met April 10, 2013, at 6:00 p.m. in the City Hall Conference Room. Present were Chairperson Mark Ahner and Committee Members John Uden, Bill Melnik and Roxanna Brush.

Also present were Mayor C. A. Grenz, City Planner Dianna Broadie, Public Utilities Director Al Kelm, Fire Chief Dale Berg, Deputy City Clerk Connie Watts and Recorder City Clerk Becky Stanton.

Ambulance Debts to Collection

** *Committee Member Uden moved to recommend to the Council sending the ambulance debts to collection, seconded by Committee Member Melnik and passed unanimously, 4-0.*

Consider Lease Options for Old FWP Headquarters Building

Chairperson Ahner explained that ownership of the land was determined through a patent. There are two private individuals who are interested in leasing the old Fish, Wildlife and Parks (FWP) building. They would not be interested in the area that the City wants to use for an impound lot. The FWP transferred the building to the City on May 8, 2007, per Council meeting. The City is currently using the building to house sign making equipment and vehicles with water in them that could freeze. This equipment needs to be kept in a clean area. Alternatives for storing the vehicles were discussed. There was discussion about asbestos, water and septic system. Director Kelm requested permission to have Ingraham Environmental inspect and give an estimate for asbestos abatement. Chairperson Ahner told him to do that. He also requested City Planner Broadie to draft a lease for the building with a \$500 a month minimum.

** *No action was taken.*

Consider Lease Options for Honda Trails Property

The City Clerk's Office and City Planner Broadie located a deed dated May 8, 1954, for the ownership of the Wilderness Area or Honda Trails area. It was transferred from the Federal government and contains 271.24 acres. There is an official plat of the survey on file at the Bureau of Land Management office. This area has been a dumping area by the public and encroachment for pasture.

Various options for leasing were discussed. The property is currently zoned as recreational and not agricultural. If the City were to lease it for grazing purposes, it would need to be rezoned. Chairperson Ahner requested that City Planner Broadie look at the issues if the City was to advertise it for an agricultural lease or a recreational lease.

Request for Qualifications (RFQ) from Engineering Firms to Provide General Engineering Services for a Five (5) Year Period

Chairperson Ahner explained that Mayor Grenz had been contacted by Carl Jackson of Kadmas, Lee and Jackson Engineering (KLJ) about retaining an engineering firm by the City

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of Miles City for a five-year term. Chairperson Ahner requested Mr. Jackson to attend the meeting to explain this idea. Mr. Jackson stated that the term of the contract is negotiable, and this process enables the City get an engineer on retainer so, when a project occurs, the City can respond quicker. This is because the City and the engineering firm have already agreed to all the general terms like insurance requirements, mutual indemnifications and liability requirements in the master services agreement.

The benefit is quality control, which is better due to planning, accuracy of construction documents, and fewer change order requests. The engineering firm would know the City's infrastructure and capabilities. When a grant opportunity is available, the City will be able to quickly respond to the request. They also can stamp the application with the engineering firm's approval, which places the application in a higher priority spot for grants. The City is not required to use the firm they have on retainer for a project if they don't want to or they are not the most qualified firm.

There is not any cost to place the engineering firm on retainer, and the City is under no obligation to use them. Director Kelm mentioned that the City will save money and time because every time the City requests an RFQ, it has to advertise in the Miles City Star, Billings Gazette and the Great Falls Tribune, which is expensive. It costs the engineering firms approximately \$3,000 to \$5,000 to send the City their qualifications. The City pays for that in the cost of the project. Mayor Grenz said the City will know right away what a project will cost. Chairperson Ahner said it just expedites the entire process. Director Kelm stated that it will help get the City grants

*** Chairperson Ahner moved to recommend to the Council to advertise for request for qualifications from engineering firms to provide general engineering services for a five year period, seconded by Committee Member Uden and passed unanimously, 4-0.*

Request of Citizens

-None

Adjournment

Having no more business to come before the Committee,

*** Committee Member Brush moved to adjourn the meeting, seconded by Committee Member Melnik. The motion passed unanimously.*

The meeting was adjourned at 7:20 p.m.

Respectfully Submitted:

Chairperson Mark Ahner

Becky Stanton, City Clerk

Flood Control Committee – 4/11/13

*** Councilperson Andrews moved to approve the minutes of the Flood Control Committee of April 11, 2013. The motion was seconded by Councilperson Galbraith and passed unanimously, 7-0.*

Flood Control Committee April 11, 2013

The **Flood Control Committee** met Thursday, April 11, 2013, at 6:00 p.m. in the City Hall Conference Room. Present were Committee Members John Hollowell, Jerry Partridge, Susanne Galbraith, and Dwayne Andrews. Also present were Floodplain Administrator Sam Malenovsky, Representative from KLJ, Carl Jackson, Mayor C.A. Grenz and Recorder HR/Payroll Officer Billie Burkhalter.

Committee Member Andrews thanked all the people who were in attendance as this was a very important issue to the community.

1. Update on Association of Montana Flood Plain Managers Conference of March 26-28

Administrator Malenovsky informed the Committee that she had attended the Association of Montana State Flood Plain Managers Conference (AMFM) where she was chosen to be the Eastern Montana Regional Director for AMFM and will represent the Floodplain Directors on the eastern side of the State. During these conferences DNRC and the Silver Jackets showed a lot of interest and support in Miles City's floodplain issues. Administrator Malenovsky explained the "Silver Jackets" are a group of members that consist of the United States Corps of Engineers (USACE), Department of Natural Resources & Conservation (DNRC), Fish Wildlife & Parks, and Disaster and Emergency Services (DES).

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Administrator Malenovsky explained the Silver Jackets could assist with funding with a Floodplain Management Plan that would not require a City match. A Floodplain Management Plan could incorporate three different parts; an Emergency Assistance Plan, a Natural Beneficial Functions of Floodplain Plan, and a Comprehensive Plan. The Comprehensive Plan could earn the City up to 482 Community Rating System (CRS) credit points, which would help Miles City obtain its goal of becoming a Class 6 or 7. Administrator Malenovsky stated Miles City is currently rated at a Class 9, but is hoping to move to a Class 8 soon. She further explained that "CRS" is a rating system that awards credits based off the City doing extra steps to help inform the community of flood issues and insurance problems. These credits can reduce flood insurance premiums.

Administrator Malenovsky stated a Comprehensive Plan could include items such as bringing the levy up to code to be FEMA certified, doing a nonstructural project, looking at the slough being used as a bypass system, modifying the water way itself, finding deficiencies in the Tongue River and also identifying specific sources of flooding and possible mitigation strategies to alleviate or reduce flood damages if the City ever flooded.

Administrator Malenovsky explained the City can also receive monies and grants through other revenues. An example would be an HMPG Grant where, if the City had a Red Cross approved emergency shelter, it could obtain generators and dry flood proof that building.

2. Update on Other Flood Related Issues

Administrator Malenovsky explained the USACE has three different program opportunities; Section 22, Section 205 and General Investigations. Section 22, helps provide planning assistance. Section 205 is also for planning assistance and helps pay for construction costs. General Investigations would provide for a large amount of money to help the City with the issues of the floodplain, levy and dike. Currently they are waiting on a meeting with the USACE and DNRC for guidance on these three programs. They will also be setting up a phone conference with DNRC and USACE regarding Floodplain Management with the Silver Jackets. Regarding the Floodplain Feasibility Study, eligibility for grants will open up in July, and it will depend on the agency if the City is eligible for those grants or not.

Carol Hardesty, 412 S. Merriam, questioned whether most of these programs are available after the Feasibility Study. Administrator Malenovsky replied that not all of them are, some of them could go hand in hand with the Study, such as the Floodplain Management Plan being reviewed to see if the Feasibility Study's scope of work can be applied to offset the cost.

Terri Schmidt, 50 Spruce Drive, asked if Miles City was the only town the Silver Jackets were working with. Administrator Malenovsky stated that they are currently working with Forsyth and are looking at Glasgow also. The Silver Jackets have only been established in Montana for two years.

Dawn Leidholt, 58 Canyon View Drive, clarified that this was not a loan. Administrator Malenovsky agreed, stating this is not a loan or a grant; it is dependent upon the Silver Jackets determining how valuable the project is to the community and if it meets with their approval.

Mike Coryell, 110 Neu Vu, questioned what the maximum amount of money is that the City would be provided from Silver Jackets. Administrator Malenovsky explained that it could be anywhere from \$100,000 to \$120,000.

Committee Member Andrews stated that right now it is so critical to keep the public informed, as there is so much information concerning the floodplain. He would recommend more Flood Control meetings be held to keep up on the information and to keep the public informed.

3. Requests of Citizens

-none

4. Adjournment

**** Committee Member Galbraith moved to adjourn the meeting, seconded by Committee Member Partridge and passed unanimously, 4-0.**

There being no further business, the Committee adjourned at 6:30 p.m.

Respectfully Submitted,

Flood Control Committee

Billie Burkhalter, HR/Payroll Officer

John Hollowell, Chairperson

Finance Committee – 4/17/2013

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****** *Councilperson Ahner moved to approve the minutes of the Finance Committee meeting of April 17, 2013, with a correction. The motion was approved by Councilperson Brush and passed unanimously, 7-0.*
Finance Committee Meeting
April 17, 2013

The **Finance Committee** met Wednesday, April 17, 2013, at 6:00 p.m. in the City Hall Conference Room. Present were Chairperson Mark Ahner and Committee Members John Uden, Bill Melnik and Roxanna Brush.

Also present were Mayor C. A. Grenz, Public Utilities Director Al Kelm, Fire Chief Dale Berg, City Clerk Becky Stanton, Finance/AP Clerk Linda Wildman, Historic Preservation Officer Connie Muggli, Building Inspector Dennis Hirsch, and Deputy City Clerk/Recorder Connie Watts.

Review of Quotes for Roof Construction for Swimming Pool Facility

Two quotes were received:

JP Construction and Remodeling LLC -	\$21,315
Seabolt Construction -	\$17,470

****** *After brief discussion, Chairperson Ahner moved to recommend awarding the contract to Seabolt Construction, seconded by Committee Member Melnik and passed unanimously, 4-0.*

Chairperson Ahner said he has spoken to Sigrid Laird, who has collected about \$10,000. The City has set aside about \$15,000, also, and Mrs. Laird and Director Kelm are agreeable to spending this money for improvements to the Swimming Pool facility. Mrs. Laird has some suggestions for these funds:

1. Paint inside of office/dressing rooms/toilet areas
2. Canvas curtains in front of the women's dressing rooms
3. Baskets/basket holders painted
4. Light fixtures
5. Sky Lights in restrooms and dressing rooms. (Chairperson Ahner mentioned that lights will be put in the ceiling and are part of the quotes. – Sky lights might not be necessary.)

Director Kelm's suggestions included lighting in restrooms and possible new fixtures, if they need to be replaced. Other suggestions were motion lights outside the building, hot water, and providing paint if the pool employees would be willing to do the painting.

Review of Tentative Budget Preparation Schedule

Chairperson Ahner provided the Committee with a copy of the previous year's budget calendar. He said the City Clerk has sent out notices to the directors that preliminary budget proposals are due May 1. He noted that he will be out of the state June 5 through June 11, and wanted to know if the Committee wanted to meet with the directors during that time or wait until he returns. The members of the Committee agreed to wait until after June 11th. He will make sure all notices to the directors are sent out before he leaves.

Clerk Stanton said she hopes the mayor would meet with each director to go over his or her budget before meeting with the budget committee. Chairperson Ahner concurred with that.

Finance/AP Clerk Wildman said she was not sure how many of the budgets would be physically in before the City Clerk leaves on the 26th. Directors may be working with pencil figures on the budget prep reports. Nothing would be put into BudgetPrep when the City Clerk leaves on April 26, as there will be no one to do it. The Deputy City Clerk has not yet been trained in that capacity.

Discuss Janitorial Contracts Advertisements

Chairperson Ahner referred to the Request for Proposals that had been previously done in 2009. He and Bruce Larson had developed a procedure to advertise and score responses received for each of the janitorial contracts, which are all different. A bid could be submitted for one, two, three or all of the facilities. The bids from each vendor were then scored and an award was determined for each facility, on a year-to-year basis, unless one of the vendors desired a change. In that case, all of the contracts would again be advertised for bid.

****** *Committee Member Uden moved to recommend advertising for bid the contracts for cleaning services for the City Shop, City Hall, the Library and the Police Department. The motion was seconded by Committee Member Brush and passed unanimously, 4-0.*

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Chairperson Ahner noted that the Library Board is ultimately responsible for approving the contract to clean the Library.

Discuss Building Inspector Contract Renewal/Advertisement

A copy of last year's contract was in the packet. As there were no objections to renewing the contract with the same terms and conditions,

****** *Chairperson Ahner moved to recommend renewing the Building Inspector contract for the fiscal year 2013-2014, under the same terms and conditions as in the 2012-2013 contract. The motion was seconded by Committee Member Uden and passed unanimously, 4-0.*

Request of Citizens

-None

Claims Review Schedule

April, May, June:	Councilperson Brush
July, August, September:	Councilperson Uden
October, November, December:	Councilperson Ahner

Adjournment

Having no more business to come before the Committee,

*** *** *Committee Member Uden moved to adjourn the meeting, seconded by Committee Member Melnik. The motion passed unanimously.*

The meeting was adjourned at 6:30 p.m.

Respectfully Submitted:

Mark Ahner, Chairperson

Connie L. Watts
Deputy City Clerk

SCHEDULE MEETINGS

Human Resources Committee – Tuesday, May 7, 2013 @ 6:00

REQUEST OF CITIZENS & PUBLIC COMMENT

-None

APPOINTMENTS

Airport Commission: Paul Grutkowski; Patrick Lifo

****** *Councilperson Galbraith moved to approve the appointments of Paul Grutkowski and Patrick Lifo to the Airport Commission, seconded by Councilperson Brush and, on roll call vote, passed unanimously, 7-0.*

Historic Preservation Commission: Derrick Rodgers

****** *Councilperson Uden moved to approve the appointment of Derrick Rodgers to the Historic Preservation Commission, seconded by Councilperson Galbraith and, on roll call vote, passed unanimously, 7 to 0.*

PROCLAMATIONS

None

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STAFF REPORTS

Public Utilities Director Al Kelm

Riverside Park: Concrete was being poured today; rain and snow had delayed this for the last few days. Four to five pathway lights are up, and the bathrooms and sidewalks should be finished by Bucking Horse Sale. Some repair work will need to be done on the grass after the construction is finished.

Swimming Pool Roof: The contract states the project will be finished by May 31st. The finish date may have to be changed on the contract, as the trusses have yet to be ordered. City Attorney Rice had visited with the contractor when he prepared the contract, and the contractor indicated he would need only about two weeks to do the project.

CITY COUNCIL COMMENTS

Jerry Partridge:

Old Miles City Concrete Buildings – These buildings are wide open, there's a long way to fall, and something needs to be done. He suggested possibly caution tape could be put around it to indicate that it is a dangerous building. He also felt that the owner should be required to board it up until it is being utilized. Director Kelm said he would notify the Police Chief, who is responsible for handling public nuisances. He also said he had some information on those buildings, and he wanted to visit with the Mayor before talking about it at a public meeting.

John Hollowell:

Flood Meeting in Missoula – Mentioned that there is a flood meeting in Missoula on May 29th and 31st, to which Grant Administrator Dawn Colton would be going. He asked if the City could provide funds for two representatives of KLJ to go on behalf of the City. These funds would be reimbursed by the Department of Emergency Services. Councilperson Ahner said that, since only one councilperson would be going to the meetings in Billings May 8-10, there would probably be funds available in the council budget to use for this.

MAYOR COMMENTS

Historic Preservation Commission vacancies – A City official (member of City government) needs to be appointed to this position. Councilperson Partridge volunteered for the appointment. The Commission meets once a month.

Sidewalk in disrepair by Sullivan's Furniture on 9th Street – Mayor Grenz was notified that an individual fell and broke her arm on the sidewalk, and he was asked if CTEP money would be available to repair this sidewalk. Some Councilmembers noted that they, as well as other businesses, have recently replaced their own sidewalks, and this should be the responsibility of the owner of the property.

PUBLIC HEARINGS

RESOLUTION 3586: A Resolution Pursuant To Title 7, Chapter 2, Part 45 MCA, Annexing Certain Lands Wholly Surrounded By The City Of Miles City, Montana, To-Wit: Lothspeich Minor Subdivision Together With Tract 1 Of Stolz Tracts In Section 34, Township N, Range 47E, Custer County, Montana.

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Mayor Grenz called for comments from proponents three times, then called for comments from opponents three times. Hearing no comments, the hearing was closed.

OLD BUSINESS

-None

BID AWARDS

-None

BID OPENING

-None

NEW BUSINESS

RESOLUTION NO. 3586: A Resolution To Annex Pursuant To Title 7, Chapter 2, Part 45 MCA, Certain Lands Wholly Surrounded By The City Of Miles City, Montana, To-Wit: Lothspeich Minor Subdivision Together With Tract 1 Of Stolz Tracts In Section 34, Township 8N, Range 47E, Custer County, Montana.

****** *Councilperson Ahner moved to adopt the Ordinance by title only, seconded by Councilperson Galbraith and, on roll call vote, passed unanimously, 7-0.*

ORDINANCE NO. 1254: An Ordinance Revising Section 2-351 of the Code of Ordinances of the City of Miles City, Montana, so as to call for the Preservation Officer to be under the supervision of the Mayor

****** *Councilperson Uden moved to approve the Ordinance, on first reading, by title only, seconded by Councilperson Brush. After discussion and on roll call vote, the motion passed 4 to 3, with Councilpersons Galbraith, Partridge and Andrews voting no. The Ordinance was referred to the Human Resources Committee.*

Decision on Preliminary Plat of the Amended Plat of Lot F-1 of Horizon Park Subdivision (Bobcat Building Site)

City Planner Dianna Broadie explained this is a four-lot commercial subdivision equaling about six acres. There is a section of the T&Y ditch in this plat that does not have an easement recorded (an easement can be shown on the face of the plat) in order to make sure that the agricultural rights are preserved, per State statute. The Fire Department is requesting an additional fire hydrant be placed in the area because it is a commercial subdivision.

They are being asked to move the detention pond to the side

****** *Councilperson Brush moved to adopt the amended plat and the findings of fact, seconded by Councilperson Galbraith.*

****** *Councilperson Brush then moved to amend her motion to include adopting the conditions of plat. The amendment was also seconded by Councilperson Galbraith.*

Questions on the Conditions of Plat:

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Item #4: Councilperson Ahner asked if the City really wants the internal subdivision roads. Planner Broadie said yes, the City definitely wants control, because if a private individual purchases the adjacent property, the City would want to be able to connect the roads. He noted that the City would be responsible for maintenance of those roads. Planner Broadie explained this is standard in the subdivision regulations. There was discussion about whether the street should be included in a Street Maintenance District.

Item #5: Councilperson Ahner asked if using PCV is a standard practice. Director Kelm said he had some verbiage he would like to add, as follows: "All water mains shall be constructed using PCV or equal material." and "All water supply systems shall meet Montana DEQ and City engineering standards, and shall be approved by a licensed engineer prior to acceptance." "Water line connections" should be changed to "Service line connections shall be provided for each lot location. Owners shall be required to use one-inch copper piping from the main to the curb stop."

One fire hydrant is already installed. The only one going to be installed is at the entrance to the cul-de-sac on the west side and to extend the sewer line from the middle of the cul-de-sac to the east end of the property.

Councilperson Brush asked Director Kelm if the extension is for this development or for future development. He said it would depend on the placement of the building on the adjacent lot.

Item #9: Councilperson Ahner asked Planner Broadie if 15 feet wide is standard. She replied that either fifteen or twenty feet wide is acceptable.

Item #12: Councilperson Ahner asked if a Subdivision Improvement Agreement has been provided by the subdivider. Because the applicant began to install the City water and sewer lines prior to approval of the preliminary plat, the City and the developer agreed to submit a bond to insure the improvements met City standards.

Item #19: Councilperson Ahner asked about the landscape plan. Planner Broadie explained that a certain amount of landscaping can be required. The regulations talk about landscaping "around a building." On one part of the subdivision there is no building. Regulations can be enforced around the building, however. The parking lot is not considered landscaping. The subdivision regulations define what landscaping is; detention ponds can actually be included in the landscaping. Councilperson Hollowell said it figures out to about 8 percent.

*** Councilperson Brush moved to add Item #4 to read, "Bobcat Lane shall be dedicated to the City." The motion was seconded by Councilperson Hollowell and passed unanimously, 7-0.*

*** Councilperson Brush moved to amend Item #5 to read as Director Kelm recommended: : "All water mains shall be constructed using PCV or equal material." and "All water supply systems shall meet Montana DEQ and City engineering standards, and shall be approved by a licensed engineer prior to acceptance." "Water line connections" should be changed to "Service line connections shall be provided for each lot location. Owners shall be required to use one-inch copper piping from the main to the curb stop." The motion was seconded by Councilperson Uden and passed unanimously, 7-0.*

*** Councilperson Brush moved to amend Item #9 to read "20 feet" instead of "15 feet." Councilperson Ahner seconded the motion and it passed unanimously, 7-0.*

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****** *Councilperson Brush moved to amend Item #20 that the Horizon Park Subdivision be included in the corresponding Street Maintenance District. The motion was seconded by Councilperson Uden and passed unanimously, 7-0.*

****** A roll call vote was then taken on Councilperson Brush's original motion to adopt the plat, findings of fact, and conditions of plat. *The original motion passed unanimously, 7-0.*

RESOLUTION NO. 3588: A Resolution Of Intent To Create A Special Improvement District Number 211, To Improve And Pave Certain Portions Of Arrowhead Lane, Including Curb And Gutter, Within The Southgate Meadows Subdivision In Miles City, Montana.

****** *Councilperson Andrews moved to adopt the resolution by title only, seconded by Councilperson Brush.*

It was noted that if this resolution passes, there will be a protest period and public hearing before a resolution to create the special improvement district is considered.

Councilperson Brush asked how many will be affected by this SID. Paul Oakland and Erik Doeden said there are seven landowners, each owning two lots.

Councilperson Ahner asked how the protest area is calculated. Attorney Rice stated the same method to calculate assessment costs must be used when calculating protest weight. Lineal feet on both sides of the street is used. The developers on this proposed SID own 42% of the total lineal footage.

Councilperson Andrews referenced the last sentence on #3: "... payment of which is to be spread over a period of not more than twenty(20) years..." Attorney Rice said that is a decision the Council would have to make, probably with some input from the landowners.

Councilperson Galbraith asked how the estimate of \$110,145 was arrived at. Mr. Oakland and Mr. Doeden said that was the highest of the two bids received. If the SID did go through, a bid process would be followed.

****** *Councilperson Brush moved that the time period remain twenty (20) years, seconded by Councilperson Uden and, on roll call vote, passed 5 to 2, with Councilpersons Galbraith and Ahner voting no.*

****** *Councilperson Andrews moved to amend the language in Item #7, fourth sentence, to read, "...deliver to the City Clerk not later than 5:00 P.M. of the" The motion was seconded by Councilperson Brush and passed unanimously, 7-0.*

****** *Councilperson Andrews' original motion to adopt Resolution 3588, on roll call vote, passed five to two, with Councilpersons Galbraith and Ahner voting no.*

Councilperson Ahner noted that the council previously made another decision, contrary to this, to require the developers to pave the entire subdivision. It was questioned why it has come before the Council again, when it had been previously decided. Councilpersons Galbraith and Partridge

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also spoke to this issue. It was noted that someone on the winning side could make a motion to reconsider this vote. No motion to reconsider was made.

RESOLUTION NO. 3589: A Resolution Authorizing the City of Miles City to Contract with Dennis Hirsch for Building Inspection Services for Fiscal Year 2013-2014.

****** *Councilperson Brush moved to adopt the resolution by title only, seconded by Councilperson Uden. On roll call vote, the motion passed unanimously, 7-0.*

Recommendations from Finance Committee:

Approval to Bid Janitorial Contracts for City Hall, Shop, Library and Police Department

****** *Councilperson Ahner moved to adopt the recommendations from the Finance Committee to bid the janitorial contracts for City Hall, Shop, Library and Police Department, seconded by Councilperson Galbraith. On roll call vote, the motion passed by unanimous consent, 7-0.*

Request for Qualifications for Five-Year Retainer of Engineering Firms

****** *Councilperson Ahner moved to approve the publication of a Request for Qualifications for an engineering firm to perform general engineering services for a five-year period, seconded by Councilperson Hollowell. After brief discussion and on roll call vote, the motion passed by unanimous consent.*

RESOLUTION NO. 3590: A Resolution Authorizing The City Of Miles City To Enter Into A Contract For The Construction Of A Roof Over The Natural Oasis Building With Ian Seabolt D/B/A Seabolt Construction

****** *Councilperson Uden moved to adopt the resolution by title only, seconded by Councilperson Ahner.*

Councilperson Hollowell asked if voting on this issue would be a conflict of interest, as he has done business with this contractor in his personal business. Attorney Rice said it would not.

Councilperson Ahner mentioned that this bid obviously exceeds the \$15,000 the City had set aside for this project. Sigrid Laird has collected approximately \$10,000 to contribute to this project.

Director Kelm is concerned about the completion date of May 29, 2013, as stated in the contract.

****** *Councilperson Ahner moved to amend the original motion to include the wording on Exhibit "A", Construction Contract, Paragraph 5: "....all work completed no later than May 29, 2013; unless circumstances beyond the contractor's ability to control prevents completion until the end of June, 2013." And ".....liquidated damages....after the May 29, 2013, deadline unless extenuating circumstances as previously mentioned prevent the construction." The motion was seconded by Councilperson Hollowell and passed unanimously, 7-0.*


****** *Councilperson Uden's original motion, on roll call vote, passed unanimously, 7-0.*

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ADJOURNMENT

****** *Councilperson Ahner moved to adjourn the meeting, seconded by Councilperson Uden and passed unanimously, 7-0.*

The meeting was adjourned at 8:30 p.m.


C.A. GRENZ, Mayor


Connie Watts, Deputy City Clerk